



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101-1345  
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:

3100  
(UT-922)

April 17, 2012

CERTIFIED MAIL – 7010 3090 0000 8061 1233  
Return Receipt Requested

### DECISION

Rocky Mountain Wild	:	Protest to the Inclusion of Certain Parcels
c/o Board of Directors, Chair	:	In the June 2008 Competitive
1536 Wynkoop, Suite 303	:	Oil and Gas Lease Sale
Denver, Colorado 80202	:	

### PROTEST DENIED

On April 18, 2008, the Bureau of Land Management (BLM) provided proper notice to the public that certain parcels of land would be offered in a competitive oil and gas lease sale scheduled to be held on June 5, 2008. By letter dated May 19, 2008, the Rocky Mountain Wild (RMW)<sup>1</sup> submitted a timely protest to the inclusion in the sale of the following 10 parcels located on public lands administered by the BLM's Price and Vernal field offices:

UTU86170	UTU86171	UTU86175
UTU86176	UTU86177	UTU86178
UTU86179	UTU86180	UTU86181
UTU86182		

### Background

By an erratum issued on May 29, 2008, parcels UTU86178, UTU86179 and UTU86180 were deferred from the lease sale, which was then held as scheduled on June 5, 2008. At the sale, bids were rejected for parcels UTU86176 and UTU86177. Successful bids were submitted for parcels UTU86175 and UTU86182. However, refunds were granted on UTU86175 and UTU86182 (September 15, 2009 and May 13, 2010, respectively). On June 30, 2010, BLM issued a decision to this organization denying its May 19, 2008 protest as it pertains to parcels UTU86170 and UTU86171. Consequently, the protest as it pertains to these 9 parcels is moot. This decision responds to the RMW protest as it pertains to parcel UTU86181.

For the reasons set forth below, the protest is denied.

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<sup>1</sup> Formerly known as Center for Native Ecosystems.

## Decision

RMW makes only general allegations, unsupported by specific facts, in its protest. For example, RMW maintains that there are violations of law (inadequate National Environmental Policy Act and noncompliance with Endangered Species Act, among others), believes oil and gas leasing does not consider new information and undermines the land use plan revision processes in the Price and Vernal field offices that were underway at the time of the protest, incorporates by reference materials previously submitted on previous oil and gas lease sales, identifies the need to adhere to Memorandums of Understanding or Conservation Agreements, concludes that the lease notices and stipulations will not mitigate impacts on special status species (e.g. greater sage-grouse), and identifies the presence of habitats for sensitive raptors, ferruginous hawks, burrowing owls, bald and golden eagles, the greater sage-grouse, migratory birds, white-tailed prairie dogs, 6 plant species (*Astragalus duchesnensis*, *Astragalus hamiltonii*, *Astragalus chloodes*, *Astragalus saurinus*, *Cymopterus duchesnesis*, and *Erigogonum saurinum*), and the Heart of the West Conservation Plan Core Area and Corridor. However, nowhere in the protest did RMW attempt to explain how any of its general allegations may apply to parcel UTU86181.

It is well established that BLM properly dismisses a protest where the protestant makes only conclusory or vague allegations or the protestant's allegations are unsupported by facts in the record or competent evidence. See, e.g., Southern Utah Wilderness Alliance, 122 IBLA 17, 20-21 (1992); John W. Childress, 76 IBLA 42, 43 (1983); Patricia C. Alker, 70 IBLA 211, 212 (1983); Geosearch, Inc., 48 IBLA 76 (1980). The RMW protest suffers from the same fundamental flaws and is hereby denied for the same reason.

The BLM is under no obligation to sort through a protestant's list of alleged errors and attempt to discern which alleged errors the protestant intended to invoke for a particular parcel. Such an unduly burdensome and inefficient process would unreasonably divert the time and resources that the BLM otherwise needs to manage the public lands as mandated by Congress.

For the BLM to have a reasonable basis to consider future RMW protests, RMW must identify for each parcel it protests, the specific ground for protest and explain how it applies to the parcel. Any allegations of error based on fact must be supported by competent evidence, and a protest may not merely incorporate by reference arguments or factual information provided in a previous protest or court ruling. Further, RMW must consider whether any lease stipulations or notices that apply to a particular parcel may be relevant to its allegations, and explain how such stipulations or notices do not obviate the allegations. Failure to comply with any of the foregoing may result in the summary dismissal of the protest.

In conclusion, for the above-stated reasons, the RMW protest is denied as it pertains to parcel UTU86181. The BLM has received an offer on this parcel and will issue a lease to the successful bidder after issuing this and any other relevant decision.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and the enclosed Form 1842-1 (Attachment 1). If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay, pursuant to 43 C.F.R. § 4.21, during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to the party named in this decision (Attachment 2) and to the Office of the Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office. You will find attached the name and address of the party who purchased parcel UTU86181 at the June 5, 2008 lease sale and who therefore must be served with a copy of any notice of appeal, petition for stay, and statement of reasons.

/s/ Shelley J. Smith

*for* Juan Palma  
State Director

#### Attachments

1. Form 1842-1
2. Party

cc: Office of the Solicitor, Intermountain Region, 125 So. State St., Suite 6201, SLC, UT 84138.

bcc: Protest Book  
Reading File: UT-910, UT-930, UT-922, UT-952  
Central Files  
WO-310, 501LS  
Field Office: Vernal

UT922:pschuller:CNE 0608 4/10/12

Attachment 1

Form 1842-1

## Attachment 2

Stonegate Resources, LLC  
ATTN: R. Heggie Wilson  
4994 E. Meadows Drive  
Park City, UT 84098